

PERSONNEL

APR 16 2012

TECHNICAL SERVICE

STATE OF ALASKA
DEPARTMENT OF LAW

PERFORMANCE EVALUATION REPORT FOR ATTORNEYS AND ASSOCIATE ATTORNEYS

NAME		JOB CLASSIFICATION TITLE	PCN	EMPLOYEE NUMBER
Elizabeth (Libby) Bakalar		Attorney III	03.611	302154
REPORT COVERAGE		REASON FOR REPORT		
FROM	TO			
1/31/08	3/1/2012	<input checked="" type="checkbox"/> ANNUAL <input type="checkbox"/> RESIGNATION <input checked="" type="checkbox"/> OTHER (SPECIFY) <u>Promotion</u>		
OVERALL PERFORMANCE RATING				
<input type="checkbox"/> DOES NOT MEET DEPARTMENTAL EXPECTATIONS <input checked="" type="checkbox"/> MEETS OR EXCEEDS DEPARTMENTAL EXPECTATIONS*				
Rater's Recommended Action: <u>Promotion to Attorney IV, effective 3/16/2012.</u> Evaluation was discussed with employee <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, explain: _____ Signature of Rater: <u>Margaret Vander</u> Title <u>Chief, Labor & State Affairs</u> Date <u>3/15/12</u> Employee: <input checked="" type="checkbox"/> Concur with Evaluation <input type="checkbox"/> Disagree (Employee comments attached) Signature: <u>[Signature]</u> Date <u>3/15/12</u> Division Signature: <u>[Signature]</u> Title <u>Chief</u> Date <u>4/16/12</u> Department Signature: <u>[Signature]</u> Title <u>Det. A.G.</u> Date <u>4/16/12</u>				
DUTIES ASSIGNED TO THIS POSITION				
During this rating period Libby worked for the Human Services section of the Juneau office until August 1, 2011, when she transferred to the Labor and State Affairs Section. While in Human Services her primary duties include representing the Division of Public Health, the food stamp section of the Division of Public Assistance, she handled all of the substantiated allegations of neglect and abuse under AS 47.05.300 for the Office of Children's Services, and conducted the involuntary mental commitments for southeast Alaska, she also handled a number of significant administrative (602) appeals to the superior court, as well as civil litigation related to the Medicaid program. Upon transferring to the Labor and State Affairs Section in August 2011, Libby was assigned to represent the Division of Elections and the Lieutenant Governor's office. She handles such matters as initiative applications, ballot challenges, candidate and voter eligibility, and compliance with federal voting requirements. Libby represents elections and the Lieutenant Governor in litigation, provides advice, and assists with legislation and regulations.				

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For purposes of AS 39.27.011(h) this rating satisfies the requirement of a rating of "good" or higher.

Information Center

Confidential Bakalar DEF 000010

<p>1. Applies good judgment in advising on legal matters and in preparing written materials and oral presentations:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period <input type="checkbox"/> Does not apply to this position </p> <p>Libby is very bright and capable. She is well versed on providing advice on legal issues and has become very comfortable with her role as an agency attorney. Libby is an exceptionally good writer. And, since the last rating period, she has worked hard on her personal interaction and verbal advice with her clients. In a short period of time, Libby has established a good working relationship with elections and the lieutenant governor's office and they routinely seek her advice and trust her judgment.</p>	
<p>2. Applies effective legal research in advising on legal matters and in preparing written materials and oral presentations:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period <input type="checkbox"/> Does not apply to this position </p> <p>Libby does an excellent job on legal research; she is quick to understand an issue and to find authority on point. She is able to recognize and assess the core legal issues of her cases. Libby has worked to finely hone her research skills and the effort shows in her written analysis. She is an exceptional writer. She continues to work on and improve her oral presentations. She has already demonstrated her ability to learn new areas of law (i.e., election law) and to produce excellent written memoranda on election issues under tight deadlines.</p>	
<p>3. Produces grammatical, well-organized, concise, understandable, and persuasive written materials:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period <input type="checkbox"/> Does not apply to this position </p> <p>Libby has great technical skills and is very confident with her writing. She was the "go to" person in the Human Services section for assistance in writing and editing to make the section work product better. Libby has continued to produce high-quality written work in the Labor & State Affairs section.</p>	
<p>4. Makes well-organized, concise, understandable, and persuasive oral presentations:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period <input type="checkbox"/> Does not apply to this position </p> <p>Libby continues to work on her oral presentation skills, and shows more skill and ease in her oral expositions. Her work in L&SA has enabled her to argue before the superior court on complex case motions and appeals.</p>	

<p>5. Efficiently allocates time to competing priorities, and works diligently and efficiently to complete assignments by deadlines:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period Libby is very well organized. She works diligently to learn the law and become familiar with the facts of her cases and is diligent in meeting her deadlines. Her work product improved as she continued to focus more on the details and subtexts of the project. She is collaborative with others and exercises good judgment as to when to ask others to brainstorm with her in fleshing out ideas and concepts. </p>
<p>6. Willingly accepts and carries out new assignments, accepts supervision, demonstrates a positive attitude toward the job, and demonstrates a willingness to learn new skills:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period Libby willingly takes on new work assignments. She has been instrumental in researching and analyzing a novel constitutional issue for DMV during this period. She has a positive attitude about her work assignments. She also willingly accepts supervision and follows through on her case assignments. </p>
<p>7. Demonstrates the ability to work independently, and to identify, analyze, and solve problems:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period Libby is able to work independently and her recent move to the L&SA section has allowed her independence to flourish. While in the Human Services section, the circumstances often limited Libby from being able to take full ownership of a project or matter. Instead, she often worked with the section supervisor collaboratively on cases. With the cases she handled on her own in Human Services, she worked through issues appropriately and demonstrated the ability to handle matters independently. In the LSA section, she is able to act independently on matters and has a platform to demonstrate the ability to handle a more complex caseload using her own judgment, skill and expertise. </p>
<p>8. Demonstrates proficiency in trial and administrative advocacy skills, including planning and implementing an effective litigation strategy, conducting thorough discovery, developing a strong record, skillfully examining witnesses, presenting effective opening and closing arguments, and preserving issues for appeal:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period Libby has developed a strong set of litigation skills. She especially excels as to motion practice and oral advocacy on those motions. She has handled a number of contested evidentiary hearings at the OAH and by all accounts has done a fine job. </p>
<p>9. Proficiently handles regulation and legislation assignments:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional </p> <p> <input type="checkbox"/> Not observed during this rating period <input type="checkbox"/> Does not apply to this position Libby's excellent writing skills have served her well on regulation and legislation projects. </p>

<p>10. Works effectively with others as a member of a team, the section, the office, and the department:</p> <p><input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Not observed during this rating period</p> <p><input type="checkbox"/> Does not apply to this position.</p> <p>Libby is a team player who works very well with others and is a great colleague.</p>	
<p>11. Regularly communicates with clients or victims and law enforcement about significant developments in their matters, and has established efficient and effective working relationships with them:</p> <p><input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Not observed during this rating period</p> <p>Libby had very good working relationships with her client at DHSS and has already established a good working relationship with elections and the Lt. Governor's office. DHSS clients all reported how attentive she was to their questions and concerns and they were sorry to see her leave. It will help her enormously to have her primary client be in Juneau as it will focus her interpersonal efforts, which while top notch, are still not her preferred mode of communication. In her last review this was an issue mentioned by the rater that she should focus on and to her credit she did. Those efforts resulted in better client relationships and better outcomes for the client.</p>	
<p>12. Is considerate of and interacts effectively, respectfully, and professionally with clients or victims and law enforcement, support staff, co-workers, members of the public, opposing counsel, court personnel, and supervisors:</p> <p><input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Not observed during this rating period</p> <p><input type="checkbox"/> Does not apply to this position</p>	
<p>13. Demonstrates good work habits, including punctuality, reliability, and professional appearance:</p> <p><input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good <input type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Not observed during this rating period</p>	
<p>14. Effectively manages and organizes files, and keeps supervisor and support staff apprised of significant workload issues:</p> <p><input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Good <input checked="" type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Not observed during this rating period</p> <p>Libby is well-organized and efficient with her time. She manages her projects and cases very well. She keeps her supervisors and her clients informed at all facets of a project. She also prepares a monthly report for the lieutenant governor to apprise him of developments in election and initiative matters -- a report that is much appreciated by the lieutenant governor.</p>	

<p>15. Complies with departmental policies such as those on settlement authority, appeals, case assessment, charging decisions, and press contacts:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good </p> <p><input type="checkbox"/> Not observed during this rating period</p>	
<p>16. Complies with departmental requirements for leave, travel, and timesheets:</p> <p> <input type="checkbox"/> Deficient <input type="checkbox"/> Needs Improvement <input checked="" type="checkbox"/> Good </p> <p><input type="checkbox"/> Not observed during this rating period</p>	
<p>17. Acts ethically and honestly in performing duties:</p> <p> <input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Acceptable </p>	

18. Additional comments and performance goals:

Libby has been an attorney for over six years and has been with the Department for more than five years. Each year there is a marked leap in her continued development as an attorney. She was a great member of the human services team and is missed by that section. Libby's greatest skills continue to be her writing, which is technically outstanding, and her fine analytical skills. She continues to work on making these skills even better. Libby has taken supervision and suggestions about how to improve the other facets of her work very well and has made improvements in those areas, including being more comfortable with oral argument in administrative proceedings, court, and client meetings. She still relies upon her writing and analytical skills, but has seen the benefit of face-to-face meetings in getting to core issues and problems so that she can better advocate for her client.

Libby is always willing and ready to take on a new project or assist in an existing project and get it done. Libby has evolved and developed into an attorney that can handle any project handed to her. She is competent, qualified and works independently to achieve the goals of her client. She is collaborative when necessary but can rely on her own judgment when it comes to her cases. She can comfortably handle complex matters.

Since joining the L&SA section in August 2011, Libby has demonstrated her ability to work independently and effectively for the division of elections and the lieutenant governor. She has effectively handled several high-level and politically sensitive election matters since joining the section. She has written several opinions for the division, including a legal review of a petition seeking to recall a state representative and a complicated opinion on an initiative that seeks to revive a coastal zone management program in state law. The issues she has handled for elections have been novel, highly complicated, and involved detailed analysis of applicable constitutional law. She has done a splendid job for elections. The lieutenant governor and the director of elections routinely seek her advice on election matters and they quickly came to trust her advice. She has shown her versatility as a legal practitioner as well, having volunteered to take on a superior court appeal for the Division of Motor Vehicles regarding a constitutional challenge to division practices and policies regarding the change of a person's sex on their driver's license. Libby is already a highly valued member of the L&SA section and it is a pleasure to work with her.

Based on the rater's joint review of Libby's work and the characteristics and performance standard typical of an Attorney IV, we are pleased to promote Libby to an Attorney IV.